

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JESSIE L. PEREZ, Individually, and as )  
Next Friend of JACQUALYN PEREZ, )

Plaintiff, )

4:09CV3206

V. )

DAVID P. VIENS II, and COVENANT )  
TRANSPORT, INC., )

MEMORANDUM AND ORDER

Defendants. )

Based on the representations of counsel during the telephonic hearing on Plaintiffs' Motion to Endorse Jake DeNell as an Expert Witness After the Expert Witness Disclosure Deadline, (filing no. 84),

IT IS ORDERED:

- 1) Upon the plaintiffs' request, the Motion to Endorse Jake DeNell as an expert witness, (filing no. 84), is withdrawn.
- 2) The parties shall confer in good faith to resolve their ongoing disagreement regarding the nature and scope of the testimony that Mr. DeNell and defendants' Rule 35 expert will be permitted to offer at trial. On or before April 4, 2011, any unresolved issues shall be presented to the court for resolution.

DATED this 22st day of March, 2011.

BY THE COURT:

S/ Cheryl R. Zwart  
United States Magistrate Judge